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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Antonio BARRAZA-Cota

Defendant.

Magistrate Case No.

2008 JUL 10 AM 9:51

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF:

BY

Title 8, U.S.C., Section 1326, DEPUTY
Deported Alien Found in the
United States

'08 MJ2086

The undersigned complainant, being duly sworn, states:

On or about **July 3, 2008**, within the Southern District of California, defendant, **Antonio BARRAZA-Cota**, an alien who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States without the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States, in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
Immigration Enforcement Agent;
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **10th** DAY OF **July 2008**.



UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

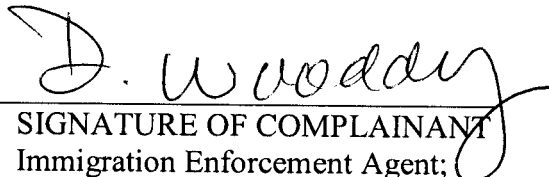
On July 3, 2008, the defendant, Antonio BARRAZA-Cota, was arrested by the San Diego Police Department for violation of Health and Safety Code 11550, "Under the Influence of a Controlled Substance." The Defendant was booked into San Diego County Jail where an Immigration Enforcement Agent determined the defendant to be a citizen of Mexico and placed a Form I-247 (Immigration Detainer) pending his release from custody.

On July 9, 2008, the defendant was referred to the custody of United States Immigration and Customs Enforcement (ICE) at San Diego, California. An Immigration Enforcement Agent checked various sources of information and conducted official record checks in regards to the defendant confirming him to be a citizen of Mexico who was previously deported or removed from the United States.

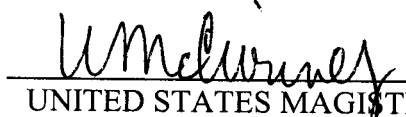
A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed the defendant was most recently ordered removed or deported from the United States by an Immigration Judge on August 12, 1994; and removed to Mexico on August 12, 1994. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States lawfully.

The Automated Biometric Fingerprint Identification System (IDENT) was utilized and compared the defendant's fingerprints to those contained in this database. The results confirmed his identity as Antonio BARRAZA-Cota, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

The defendant was admonished as to his rights per Miranda. The defendant acknowledged those rights and elected to answer questions without counsel present. The defendant stated he is a citizen of Mexico and that he has not obtained a waiver to re-enter the United States. The defendant also admitted he has not applied to obtain documents nor is he in possession of documents entitling him to enter or reside in the United States lawfully. He stated he knew it was against the law to enter illegally after having been deported.


SIGNATURE OF COMPLAINANT
Immigration Enforcement Agent;
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 10th DAY OF July 2008.


UNITED STATES MAGISTRATE JUDGE